

13A.335 Reasons administrative regulation found deficient shall not be considered deficient -- Notice.

- (1) (a) A filed administrative regulation found deficient by a legislative committee shall not be considered deficient if:
 1. A subsequent amendment of that administrative regulation is filed with the Commission by the administrative body;
 2. The legislative committee that found the administrative regulation deficient approves a motion that the subsequent amendment corrects the deficiency; and
 3. Any legislative committee that reviews the administrative regulation under the provisions of KRS Chapter 13A finds that the administrative regulation is not deficient.
 - (b) A filed administrative regulation found deficient by the Administrative Regulation Review Subcommittee shall not be considered deficient if:
 1. The administrative regulation is amended to correct the deficiency at a meeting of the legislative committee to which it was assigned by the Commission;
 2. That legislative committee does not determine that the administrative regulation is deficient for any other reason; and
 3. The Administrative Regulation Review Subcommittee approves a motion that the deficiency has been corrected and that the administrative regulation should not be considered deficient.
 - (c) A filed administrative regulation found deficient by a legislative committee with subject matter jurisdiction shall not be considered deficient if the legislative committee:
 1. Reconsiders the administrative regulation and its finding of deficiency; and
 2. Approves a motion that the administrative regulation is not deficient.
 - (d) If an amendment to an effective administrative regulation is going through the KRS Chapter 13A promulgation process and is found deficient by a legislative committee, the administrative regulation shall not be considered deficient if the:
 1. Administrative regulation was found deficient due to the amendment;
 2. Promulgating administrative body has withdrawn the proposed amendment of the existing administrative regulation; and
 3. Regulations compiler has not received the Governor's determination pursuant to KRS 13A.330.
- (2) If an effective administrative regulation is found deficient by a legislative committee, the administrative regulation shall not be considered deficient if the legislative committee:
 - (a) Reconsiders the administrative regulation and its finding of deficiency; and
 - (b) Approves a motion that the administrative regulation is not deficient.

- (3) (a) If an administrative regulation has been found deficient by a legislative committee, the regulations compiler shall add the following notice to the administrative regulation: "This administrative regulation was found deficient by the [name of legislative committee] on [date]." This notice shall be the last section of the administrative regulation.
- (b) If an administrative regulation has been found deficient by a legislative committee, subsequent amendments of that administrative regulation filed with the Commission shall contain the notice provided in paragraph (a) of this subsection.
- (c) If an administrative regulation that has been found deficient by a legislative committee has subsequently been determined not to be deficient under the provisions of this section, the regulations compiler shall delete the notice required by paragraph (a) of this subsection.

Effective: February 2, 2021

History: Amended 2021 Ky. Acts ch. 7, sec. 19, effective February 2, 2021. -- Amended 2019 Ky. Acts ch. 192, sec. 15, effective June 27, 2019. -- Amended 2005 Ky. Acts ch. 100, sec. 23, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 21, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 350, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 19, effective July 15, 1996. -- Created 1990 Ky. Acts ch. 516, sec. 5, effective July 13, 1990.